

**MINUTES OF THE MEETING  
OF THE  
BOARD OF NURSING  
May 12, 2005**

**Call to Order**

Marcy Echternacht, President, called the meeting of the Nebraska Board of Nursing to order at 8:15 a.m., May 12, 2005, at the Staybridge Conference Center, 2701 Fletcher, Lincoln, Nebraska. Copies of the agenda were sent to Board members, news media and other interested persons, and posted.

**Roll Call**

The following members were present:

Marcy Echternacht, RN, President  
Mary Megel, RN, Vice-President  
Jacqueline Ross, RN, Secretary  
Mary Bunger, RN  
Judy Balka, LPN  
Joyce Bunger, public member (arrived at 10:40 a.m.)  
Valerie Fredericksen, RN  
Nancy Gondringer, RN (arrived at 9:15 a.m.)  
Sandra Mann, public member  
Iris Winkelhake, RN

The following member was absent:

Deanna Lloyd, LPN

A quorum of the Board was present and the meeting convened. Also present from the Credentialing Division was Charlene Kelly, RN, Executive Director; Sheila Exstrom, RN, Nursing Education Consultant; and Ruth Schuldt, RN, Compliance Monitor. Present from the Investigations Division was Marletta Stark, RN, Peggy Persell, RN and Michael Grutsch. Present from the Attorney General's office was Terri Nutzman, Assistant Attorney General.

**Status of Board Appointments**

The vacant staff nurse position on the board will be filled in November. Kelly read a letter from Balka informing the board of her resignation due to a pending move to Las Vegas, NV. Her letter expressed appreciation for the opportunity to serve on the board. She will remain with the board until July.

8:25 a.m. Lisa Anderson, Assistant Attorney General arrived.

### **Review of the Agenda**

The agenda was reviewed. Kelly asked that Status of Board Member Appointments be added under “A”. Approval of Board and Committee Meeting Minutes should be “C” and Conclusion and Adjournment should be “D”. The report of the Education Committee will be done by Megel who now chairs the committee.

1. Mann made the motion seconded by Winkelhake **that the board adopt the agenda as amended.**

Voting Aye: Balka, M. Bunger, Echternacht, Fredericksen, Mann, Megel, Ross and Winkelhake. Voting Nay: none. Abstain: none. Absent: Gondringer. J. Bunger and Lloyd. Motion carried.

### **Review of the Consent Agenda**

The April 13-14, 2005 Board of Nursing meeting were removed from the consent agenda.

2. M. Bunger made the motion seconded by Megel **that the board adopt the consent agenda and approve the following:**

**C.2. April 14, 2005 Education Committee meeting minutes**

**C.3. April 14, 2005 Practice Committee meeting minutes**

**3.1.7. NCLEX® quarterly reports for 1/1/05 through 3/31/05**

**4.4 Disciplinary actions/dismissals since last meeting**

**4.5 Probation monitoring update**

Voting Aye: Balka, M. Bunger, Echternacht, Fredericksen, Mann, Megel, Ross and Winkelhake. Voting Nay: none. Abstain: none. Absent: Gondringer. J. Bunger and Lloyd. Motion carried.

### **Approval of Minutes**

Under “Roll Call” in both the April 13<sup>th</sup> and 14<sup>th</sup> minutes it was noted that Jacqueline Ross should be designated as secretary, not Mary Bunger.

3. Winkelhake made the motion seconded by Mann **that the board approve the minutes of the April 13-14, 2005 Board of Nursing meeting as revised.**

Voting Aye: Balka, M. Bunger, Echternacht, Fredericksen, Mann, Megel, Ross and Winkelhake. Voting Nay: none. Abstain: none. Absent: Gondringer. J. Bunger and Lloyd. Motion carried.

8:30 a.m.

4. J. Bunger made the motion seconded by Megel **that the board go into closed session for the purpose of reviewing investigation reports.**

Voting Aye: Balka, M. Bunger, Echternacht, Fredericksen, Mann, Megel, Ross and Winkelhake. Voting Nay: none. Abstain: none. Absent: Gondringer. J. Bunger and Lloyd. Motion carried.

8:45 a.m. Anderson left the meeting.

8:50 a.m. Winkelhake left the meeting.

8:55 a.m. Winkelhake returned to the meeting.

9:00 a.m. Persell left the meeting.

9:15 a.m. Gondringer arrived.

9:50 a.m. Meeting recessed.

10:00 a.m. Meeting reconvened.

10:30 a.m. Fredericksen left the meeting.

10:35 a.m. Fredericksen returned to the meeting

10:40 a.m. J. Bunger arrived.

11:10 a.m. Meeting recessed. Grutsch left the meeting.

11:20 a.m. Meeting reconvened.

12:05 p.m. The board came out of closed session. Stark and Schuldt left the meeting. One guest was present.

12:10 p.m. The board recessed briefly and then reconvened over lunch.

Based on discussion in closed session the following motions were made:

**Tessa Nowlin**

5. Winkelhake made the motion seconded by M. Bunger **to issue Tessa Nowlin a two-year probationary RN license upon successful completion of NCLEX-RN®. Terms of probation, in addition to the standard terms, will include active practice (a minimum of 130 hours per quarter) and completion of the National Council online course, “Professional Accountability and Legal Liability for Nurses”. The course**

**must be completed within one month of licensure and must be proctored by a person approved by the board.**

Voting Aye: Balka, M. Bunger, Echternacht, Fredericksen, Mann, Ross, Gondringer and Winkelhake. Voting Nay: none. Abstain: Megel and J. Bunger. Absent: Lloyd. Motion carried.

#### **Carl Consolver**

6. Ross made the motion seconded by Mann **that the board issue Carl Consolver an unrestricted LPN license.**

Voting Aye: Balka, M. Bunger, Echternacht, Fredericksen, Mann, Ross, Gondringer, Megel, J. Bunger and Winkelhake. Voting Nay: none. Abstain: none. Absent: Lloyd. Motion carried.

#### **Heidi Lerseth**

7. Megel made the motion seconded by Mann **that the board issue Heidi Lerseth an unrestricted RN license.**

Voting Aye: Balka, M. Bunger, Echternacht, Fredericksen, Mann, Ross, Gondringer, Megel, J. Bunger and Winkelhake. Voting Nay: none. Abstain: none. Absent: Lloyd. Motion carried.

#### **April Ndango**

8. Winkelhake made the motion seconded by Mann **that the board issue April Ndango an unrestricted RN license.**

Voting Aye: Balka, M. Bunger, Echternacht, Fredericksen, Mann, Ross, Gondringer, Megel, J. Bunger and Winkelhake. Voting Nay: none. Abstain: none. Absent: Lloyd. Motion carried.

#### **Becky Retzlaff**

9. M. Bunger made the motion seconded by Megel **that the board issue Becky Retzlaff an unrestricted LPN license**

Voting Aye: Balka, M. Bunger, Echternacht, Fredericksen, Mann, Ross, Gondringer, Megel, J. Bunger and Winkelhake. Voting Nay: none. Abstain: none. Absent: Lloyd. Motion carried.

#### **Susan Galvez**

10. Gondringer made the motion seconded by Balka **that the board notify Susan Galvez of their intention to recommend reinstatement of her LPN license on probation.**

**Terms of the probation, in addition to the usual terms, will include: probation for five years, abstain from alcohol and controlled substances, verification from treating practitioner of all prescription medication, report all prescription medications taken, submit to random body fluid screens, comply with treatment recommendation, advise the department of any professional counseling and submit reports, participate in three NA< AA, or other support group meeting per week, work under the direct supervision of an RN for the first two years of probation and under the indirect supervision of an RN during the third year of probation, have no access to controlled substances in the course of employment for one year, have access to controlled substances under supervision for the second year of probation, engage in active practice of a minimum of 130 hrs/quarter and obtain an AA/NA sponsor.**

Voting Aye: Balka, M. Bunger, Echternacht, Fredericksen, Mann, Ross, Gondringer, Megel, J. Bunger and Winkelhake. Voting Nay: none. Abstain: none. Absent: Lloyd. Motion carried.

12:35 p.m. Nutzman left the meeting

#### **Orin Yung, RN**

The board reviewed correspondence from Mr. Yung and the Assurance of Compliance dated March 2, 2005. The board was asked to determine if Mr. Yung is in compliance with the terms of the Assurance of Compliance.

11. J. Bunger made the motion seconded by Fredericksen **that the board has determined that Orin Yung, RN is in compliance with the provisions of the March 2, 2005 Assurance of Compliance.**

Voting Aye: Balka, M. Bunger, Echternacht, Fredericksen, Mann, Ross, Gondringer, Megel, J. Bunger and Winkelhake. Voting Nay: none. Abstain: none. Absent: Lloyd. Motion carried.

#### **Adoption of 2005 Strategic Plan**

The board reviewed the draft 2005 Strategic Plan that was developed following discussion at the April 2005 meeting.

12. Winkelhake made the motion seconded by Fredericksen **that the board adopt the 2005 Strategic Plan.**

Voting Aye: Balka, M. Bunger, Echternacht, Fredericksen, Mann, Ross, Gondringer, Megel, J. Bunger and Winkelhake. Voting Nay: none. Abstain: none. Absent: Lloyd. Motion carried.

### **Recommendations regarding criteria for appointment to the board**

The board reviewed the summary of the discussion on board composition in the minutes of the April 2005 Board of Nursing meeting. The board directed staff to draft a statement that the board believes the current criteria for appointment to the board are good in that they ensure representation on the board that is critical to effective decision-making. The board does not plan to initiate any statutory changes. However, the board would not oppose the following:

- A less prescriptive requirement for equal representation from acute, long-term care and community based nursing for the LPNs, administrators and staff nurses on the board provided a statutory requirement for representation from acute, long-term care and community based nursing on the board is maintained. *Rationale: The board believes strongly that each of these nursing practice areas must have at least one representative on the board. Input is needed from nursing practicing in these areas to ensure understanding and consideration of issues specific to each practice area. Two representatives from each area may not be necessary and a single board member may work in more than one practice area. Each year prior to appointments staff should work with Board of Health to clarify current practice areas for continuing board members, members eligible for reappointment and board member applicants.*
- Maintenance of a statutory requirement for at least three board members from each congressional district with three at-large positions on the board that could come from any location in the state. *Rationale: The purpose of the board is to protect the public from all parts of the state. Therefore it is critical that there be representation from all of the congressional districts. Requiring three members from each district instead of four would allow for three board members to be appointed at large. Terms should be staggered so that one position from each district and one at-large position expire each year.*
- The Advanced Practice Nursing position on the board may need to be re-evaluated if LB 256 passes placing all advanced practice nursing specialties under the APRN board. *Rationale: If the board no longer has regulatory authority for advanced practice nursing, the advanced practice position on the board should be re-evaluated to determine if the position is still needed or if another type of representative would better serve the purposes of the board.*

Kelly will draft a response letter to the Board of Health addressing these issues. The letter will be reviewed for adoption by the board at their next meeting.

### **Follow-up to discussion related to applicant/licensee convictions and moral character**

The board reviewed the summary of the discussion on the relationship of convictions to good moral character in the minutes of the April 2005 Board of Nursing meeting. Kelly informed the board that she plans to conduct a pilot research study to determine if a correlation exists between convictions prior to licensure and discipline following licensure. This study is being done in conjunction with her fellowship in the Institute for Regulatory Excellence. The board requested that staff ask Helen Meeks and Dr. Raymond be scheduled to attend future

meetings to discuss with the board their opinions on convictions as they relate to moral character. The board also asked the staff to explore if statutory authority exists for the board to delegate to staff the ability to make draft recommendations to the AG on the board's behalf for some cases involving violations for which the board has standard recommendations. These staff recommendations would then be placed on a consent-type agenda for ratification by the board in closed session prior to the recommendation being forwarded to the AG. This would increase board efficiency and allow more time for discussion of cases that require board discussion and consideration.

### **Communication/participation with nursing organizations/groups**

#### ***Centennial Calendar***

Kelly reported that the group working on the calendar is waiting for a response from NNA regarding their intentions for distribution of the calendar, e.g., give away, sell at full cost, sell at reduced cost offset by advertising or sponsor support. As soon as this information is clarified the committee will be able to proceed with the project.

#### ***LGNNO***

Winkelhake reported on the last meeting of LGNNO. The meeting focused on pending legislation. They are using Internet Bill Tracker to track legislation. It was noted that the number of specialty organizations participating in this group has waned over the years and it may be time for this organization to evaluate if they still fill a vital role or if other organization communication mechanisms might be more effective.

#### ***Nebraska Nursing Leadership Coalition***

Exstrom reported on the activities of the Nebraska Nursing Leadership Coalition. The coordinating group met and reviewed the evaluations from the March 2005 Nursing Leadership Summit. The evaluations continue to be very positive for this event. The 2006 Summit will be held in Kearney on March 28. The coordinating group is negotiating with a speaker for the next Summit. The Nursing Leadership Coalition will also sponsor a Nursing Issues Forum. The Forum will be held the morning of November 9, 2005 at the Georgetown Club in Omaha. The topic for the Forum will be the Clinical Nurse Leader. Participation will be by invitation. The regular fall meeting of the Coalition will be held the afternoon of November 9 in the same location.

### **Report on recent publications, consultation and speaking**

Staff reported on recent and upcoming speaking engagements:

Echternacht – spoke at a recent meeting of Sigma Theta Tau;

Winkelhake – gave presentations to Hamilton College/Lincoln, Southeast Community College Alumni Association and to Southeast Community College on Nurses Day.

Exstrom - Presented an LPN-C workshop with 125 attendees at Madonna Rehabilitation Hospital.

Kelly - Spoke at a joint meeting of the Nebraska Correctional Officers Association and Jail Standards Board on issues in correctional nursing.

- Gondringer- Presented to the Nebraska Association of Nurse Anesthetists on mandatory reporting.
- Megel- Taught a class on legal issues at UNMC.
- Fredericksen- Gave a presentation on the National Council of State Board of Nursing to staff at Good Samaritan Hospital in Kearney

The Spring issue of *Nursing News* is out. Kelly apologized for not enlisting the help of the editorial board volunteers. She will involve them in the next issue due out in July. The feature article in the next issue will focus on disaster nursing. A suggestion was made for a feature article in a future issue comparing emergency nursing in a rural hospital with emergencies encountered in a metropolitan hospital.

1:55 p.m. The meeting recessed.

2:05 p.m. The meeting reconvened. Ross left the meeting. Mann took over the recording of minutes.

### **Report of the Practice Committee**

Balka reported on behalf of the practice committee. Recent topics of discussion by the Practice Committee included a position statement on patient safety and nursing issues, a determination by the committee that the Patient and Employer Abandonment advisory opinions do not address mandatory overtime, approaching the Board of Medicine to develop a joint statement on pain management, NCSBN's draft concept paper on delegation and the addition of jejunostomy tube replacement to the current opinion on suprapubic and gastrostomy tube replacement.

### **Center for Nursing Update**

Kelly and Exstrom updated the board on recent activities of the Center for Nursing including recent media campaign during Nurses' Week, new Web site features hosting information on specialty nursing organizations in Nebraska and legislation related to the Center for Nursing.

### **Report of the Education Committee**

The Education Committee has received requests for review and approval of several curricular changes from nursing education programs. These requests were reviewed in detail at the last meeting of the Education Committee. Based on that review the Education Committee made the following recommendations:

#### *Mid-Plains Community College*

12. The Education Committee made the motion **that the board approve the Paramedic to RN Program as submitted by Mid-Plains Community College.**



Voting Aye: Balka, M. Bunger, Echternacht, Fredericksen, Mann, Gondringer, Megel, J. Bunger and Winkelhake. Voting Nay: none. Abstain: none. Absent: Lloyd and Ross. Motion carried.

13. The Education Committee made the motion **that the board approve the Paramedic to RN Bridge Course as submitted by Mid-Plains Community College.**

Voting Aye: Balka, M. Bunger, Echternacht, Fredericksen, Mann, Gondringer, Megel, J. Bunger and Winkelhake. Voting Nay: none. Abstain: none. Absent: Lloyd and Ross. Motion carried.

*College of St. Mary*

14. The Education Committee made the motion **that the board approve the policy changes as submitted by College of St. Mary.**

Voting Aye: Balka, M. Bunger, Echternacht, Fredericksen, Mann, Gondringer, Megel, J. Bunger and Winkelhake. Voting Nay: none. Abstain: none. Absent: Lloyd and Ross. Motion carried.

15. The Education Committee made the motion **that the board approve the change in name from College of St. Mary/Midland Lutheran College Practical Nursing Program to College of St. Mary Practical Nursing Program with the necessary policy changes.**

Voting Aye: Balka, M. Bunger, Echternacht, Fredericksen, Mann, Gondringer, Megel, J. Bunger and Winkelhake. Voting Nay: none. Abstain: none. Absent: Lloyd and Ross. Motion carried.

16. The Education Committee made the motion **that the board approve the course BIO 221 Anatomy lab as submitted the College of St. Mary Practical Nursing Program.**

Voting Aye: Balka, M. Bunger, Echternacht, Fredericksen, Mann, Gondringer, Megel, J. Bunger and Winkelhake. Voting Nay: none. Abstain: none. Absent: Lloyd and Ross. Motion carried.

*Bryan/LGH College of Health Sciences BSN Program*

17. The Education Committee made the motion **that the board approve the elective course, NU 448, Special Topics, as submitted by the Bryan/LGH College of Health Sciences BSN Program.**

Voting Aye: Balka, M. Bunger, Echternacht, Fredericksen, Mann, Gondringer, Megel, J. Bunger and Winkelhake. Voting Nay: none. Abstain: none. Absent: Lloyd and Ross. Motion carried.

## **Financial Reports**

The board reviewed the budget status report for the period ending 4/30/2005.

## **Regulation/Legislation Update**

Exstrom reported that the public hearing on Title 172 NAC Chapter 97 Regulations Governing Nursing Education Programs was held. The regulations will be considered for adoption by the Board of Health at their meeting on May 16, 2005.

Kelly gave an update on 2005 legislation:

LB 146	General File
LB 243	Signed by governor 3/23
LB 306	Signed by governor 3/29
LB 256	General File
LB 338	Indefinitely Postponed
LB 339	Indefinitely Postponed
LB 387	In Committee
LB 534	Signed by governor 3/29
LB 744	Indefinitely Postponed

## **National Council of State Boards of Nursing**

Exstrom, Kelly and Echternacht gave updates on the activities of the Examination, Bylaws, Resolutions and Practice, Regulation & Education committees.

Kelly provided a review of the minutes of the last Policy Conference Call.

Attendance at the annual meeting was discussed. A roll call of members present to determine who would like to attend the annual meeting was taken:

J. Bunger -	Could attend if needed
Fredericksen -	Will not attend
M. Bunger -	Will not attend
Megel -	Will not attend
Mann -	Will not attend
Echternacht -	Plans to attend
Winkelhake -	Plans to attend
Gondringer -	Not certain if she can attend
Kelly -	Plans to attend
Exstrom -	Plans to attend
Bowen -	Not present, but plans to attend
Lloyd -	Not present. Kelly will check with her.
Ross -	Not present. Kelly will check with her.
Balka -	Will no longer be on the board at the time of the meeting

Kelly announced that some members of the APRN Board also plan to attend.

The board designated Winklehake and Exstrom as delegates with Echternacht and Bowen as alternates. Kelly cannot serve as a delegate this year because she is chairing the Resolutions Committee.

National Council will pay for two representative's attendance at the annual meeting. Kelly's way will be paid as chair of the Resolutions Committee. By consensus the board approved payment for attendance at the annual meeting by all board and staff members who wish to attend and whose expenses are not paid by National Council.

### **Announcements**

The annual All Health Care Related Board Member meeting will be held June 10 at Mahoney State Park. Registration forms will be mailed to board members within the next week. Board members were encouraged to attend this important meeting to hear and provide input into the proposed changes to the Uniform Licensing Law.

### **Adjournment**

The meeting adjourned at 5:30 p.m.

Respectfully submitted,

A handwritten signature in cursive script that reads "Jacqueline Ross".

Jacqueline Ross, Secretary

Sandra Mann (Recorded minutes after 2:05 p.m.)